

Copyright Notices

Special Edition • November 2010



45 YEARS OF SERVICE
Marybeth Peters



Marybeth Peters Reflects on 16 Years as Register of Copyrights

JUDITH NIERMAN

When Register of Copyrights Marybeth Peters took office in 1994, she addressed the staff at an all-hands event, saying that her goal for the Office during her tenure was “the highest quality product and the best public service.” In September 2010, from the perspective of 16 years, she talked to *Copyright Notices* about how the achievement of these aims has unfolded. “The goal has always remained steady and has never shifted,” she said. “I am extremely proud of our public service—our studies for Congress, congressional testimony, court briefs, and the service rendered to the public by the Public Information Office and the Publications Section. These are of the highest quality.”

In addition, the Register spoke about improvements in the product—largely the registration and recordation functions—that the Office renders to the public. “I had a vision of an electronic filing system that would improve the quality of the registration and recordation system. Reengineering was the effort to change from a paper-based to an online filing system. The process was nowhere near as smooth for staff and the public as I would have hoped. But my commitment to the vision remained steady. The staff and the public now have a system that works. While at first I was criticized for moving

◀ *Continues on page 6* ▶



This page, above: Penny Keziah (left) and Marybeth Peters about 1968. Right: Marybeth Peters teaches “Marybeth’s Maxi-Course” as staffers called her intensive classes on the 1976 Copyright Act.

Opposite page, top: Waldo Moore (left) and Marybeth Peters about 1986. Middle: Librarian of Congress Daniel Boorstin (left), Jodi Rush (center), and Marybeth Peters. Bottom: Marybeth Peters presents length-of-service award to Bill Jebram (second from left) in 1995. Staffers Joan Kaufman and Joe Ross also appear.



FILE PHOTO



Current and retired staffers shared memories for our photo album commemorating her career.

Dave Albee

SPECIAL ASSISTANT IN THE
LIBRARIAN'S OFFICE

While I know it wasn't yesterday, it doesn't feel that long ago that I was learning examining practices with Jackie Darden, Nancy Lawrence, Mildred McCown, and Marybeth in the Music Section. Like today, those days were filled with change—moving from typewriters to CompuCorps machines; working in the Adams Building, then Crystal City, and then the new Madison Building; transitioning from the 1909 law to the current one; learning Laban Notation; and becoming familiar with multimedia registrations and moving images. Through all this, Marybeth and I have remained friends, and she has steadily climbed to more responsible positions—making a positive difference at each step. Many people can applaud her accomplishments as Register. I will hail her grit, determination, and undying optimism, as well as her brilliant smile, kind words, and sensitivity to others. I thank her for being a friend and a leader in tough times, for her love of the Library of Congress, and for her dedication to the rights of authors and creators.

FILE PHOTO



DONNA CARTER





FILE PHOTO

Hugh Clark

TEAM LEADER IN THE PERFORMING ARTS
DIVISION AND 39-YEAR VETERAN OF THE
COPYRIGHT OFFICE

*Marybeth wrote the training guide to the
1976 Copyright Act. That, together with
her classes, was the best introduction I
had to copyright law in my entire career.*

*Top: Marybeth Peters tries out a component of early Copyright
Office automation about 1980. Bottom: Copyright Office staffers
Gayle Harris (lower left) and Marybeth Peters (second from left,
standing) participate in the Federal Women's Program
Committee about 1977.*



GAYLE HARRIS

Jon Baumgarten

FORMER COPYRIGHT OFFICE GENERAL COUNSEL

In the first week of January 1976, I left nine years of a largely copyright-oriented private practice in New York and arrived in Washington as general counsel of the Copyright Office. It was something of a professional gamble. Although the omnibus copyright revision effort was nearing its end, it was very far from certain that it would be successful, as the debates over such matters as photocopying, cable television, mechanical royalties, and protection of computer programs continued to rage. In October 1976, however, peace reigned, and the revision bill passed into law. For many in the copyright community outside Washington, it was time to relax.

Not so, I quickly found, in the Copyright Office. Not only did we then have to embark on a public notice-and-comment regulatory program very far beyond the reach of anything the Office had previously undertaken or experienced, but literally every single practice, procedure, form, position, conclusion, and understanding the Office had taken or put into place in the decades before had to be very carefully studied and measured to the new law. In the end, virtually all had to be replaced. Nominally simple issues largely unexamined by Congress or others during the long history of revision—for example, how to reconcile a new formally “divisible” regime of copyright ownership with the principles of copyright registration (how many registrations per work, if all exclusive licensees were “owners”); and how to measure the effective date of registration when it was easy to anticipate that applicants would for some time be unfamiliar with the new forms, regulations, and practices—turned complex and time-consuming to resolve.

In addition, we had to establish the Licensing Division and deal with several court actions. The copyright industries and academia clamored for Copyright Office explanations of the new law and practices, and the international copyright fora—the State Department, UNESCO, and WIPO—demanded our time and attention. Although it may be hard to comprehend now, the need to adapt to very fundamental changes in law and Office

responsibilities and practice was often exhausting and nearly overwhelming.

With the extraordinary leadership of Barbara Ringer, division managers, and superbly dedicated staff at every level, the Office repeatedly met its unprecedented challenges. But underlying that success was the need for someone to perform a critical task that has, at least outside the cadre of those of us who are now Copyright Office old-timers, gone largely unrecognized. It was essential to conduct a massive yet prompt, intensive, internally consistent, and effective education program for the entire Office staff with respect to both the broad principles and implementing details of the new copyright law and the changes it demanded in the lore and everyday life of the Office. The need for someone to fill that role very soon became apparent, and the solution was not hard to find. Barbara and I spoke and both immediately turned to Marybeth as the answer. She readily accepted the challenge of taking on this Herculean task and performed it in the manner one would expect, and beyond.

Fortunately for me, although she formally departed the general counsel’s staff, Marybeth remained an important and invaluable resource and colleague as we puzzled, struggled, and occasionally laughed our way to revision implementation and other vast new Office responsibilities in all their aspects. By focusing on Marybeth’s role in the Office’s internal education efforts in the late 1970s, I certainly do not intend to diminish her numerous other contributions at that time—to the Copyright Office, to Congress, to the Library, to the copyright community, and to the public here and abroad—or her remarkable career since those heady days. Those accolades will come from others, and I join them enthusiastically. But those of you who know her also know that Marybeth has always been quite proud of her earlier days as a teacher in Rhode Island—and I suspect she will appreciate this particularized and well-deserved tribute to her time as the Office’s, if not the copyright world’s, Educator-in-Chief. She certainly deserves it!

◁ Continues from page 2 ▷

away from a paper-based registration system, now people praise me for the change. This will be my legacy,” she said. “And I feel good.”

Legacy

Continuing on the subject of her legacy as Register, Peters said that when she took office she expected that her legacy would result more from the legal duties of the position, including assisting Congress to update the law to take into account issues brought about by technology. But, she said, she believes most will remember her for the Office’s conversion to electronic filing because registration and recordation are key functions of the Office. “As chief of Examining, I became familiar with computer issues, although in retrospect I see that I did not realize all the impediments to filing electronically. However, Congress was good to us, usually granting the money we needed for our task. There were times when I was discouraged, although I never lost

my belief in an electronic Office,” she said. “The truth is that, had the Office not been working on electronic filing in 2001, the repercussions of September 11, 2001, would have forced us to move in that direction. September 11 revealed the problem of a registration and recordation system that relied on receiving the mail.”

The Register further mused about her 16 years of service. “During my tenure, I have been criticized for not being aggressive enough, for being too self-effacing,” she said. “I care about the law, but I care more about people. I believe people should always be treated with respect and dignity. I’m known as ‘the friendly face,’ which can be helpful for the Office. I don’t see my work as all about me. It is about the Office. The best part of my time here has been working with the people in the Office and the people I’ve met because of the Copyright Office.”

“I am a listener,” she continued. “In this job, you really need to hear what people are saying. I’m interested in learning new things, and when you are talking, you are not learning.”

When asked about having a mentor and being a mentor, Peters replied that she was fortunate in the Copyright Office. “People helped me along the way. Penny Keziah and Felicia Healy assisted me. Penny was instrumental in getting me the role of training officer for the new law. This position was a ‘career maker’ for me. Later, Barbara Ringer also believed in me and mentored me.”

Peters said that she tries to encourage and mentor people, both men and women. “I try to help the legal interns figure out what they want

◁ Continues on page 12 ▷



NATIONAL COPYRIGHT ADMINISTRATION OF CHINA

Steven Tepp

FORMER SENIOR COUNSEL IN THE OFFICE
OF POLICY AND INTERNATIONAL AFFAIRS

I was in China with Marybeth, David Carson, and Jesse Feder on September 11, 2001. We spent the day in the city of Xian and returned to our hotel rooms just as the attacks began. Like many Americans, we watched that horrible day unfold on television. But unlike almost any other Americans, the next morning, which was the evening of September 11 at home, we had to get on a plane to Shanghai. The next few days were very difficult. We were unable to return on September 14 as planned because of the backup of passengers that developed while U.S. airspace was closed. But Marybeth was able to use her status with the airline to get us all home on September 15.

CHARLES GIBBONS



Susie Barfield

RETIRED RECEIVING AND PROCESSING
DIVISION CHIEF

Marybeth Peters' friendly, professional manner has been the hallmark of her service in the Copyright Office. When she joined the Music Section as an examiner, the Office was located in the Adams Building. The Renewals and Assignments Section (R&A) shared a large open work space with the Music Section. As Penny Keziah introduced her to the staff, Marybeth's laughter flowed throughout the room. After a while, the staff of R&A began peering in to see what was going on. Finally, Penny brought Marybeth to meet our staff, including section heads Mary Lyle and Lorna Margolis. However, Marybeth acknowledged the presence of all the R&A staff members. She showed herself friendly and down to earth. Her smile and pleasant manner added brightness to an otherwise solemn workplace.

Throughout her tenure, Marybeth's responsibilities changed significantly, but her friendly and professional disposition did not. Her optimistic outlook and quick wit have served her well.

DAVID CARSON



Opposite page: Marybeth Peters delivers remarks in Beijing on October 25, 2008, following the signing of an agreement among the Copyright Office, the U.S. Patent and Trademark Office, and the National Copyright Administration of China to streamline protection of intellectual property. This page, top: Marybeth poses with Copyright Office staff members and guests from the National Copyright Administration of China who participated in a symposium hosted by the Office in 2004. Bottom: Marybeth Peters rides in a bicycle rickshaw during a September 2001 friendship visit to China arranged by the National Copyright Administration of China.



Skip Schultz

RETIRED TEAM LEADER IN THE
LITERARY SECTION OF THE
EXAMINING DIVISION

I remember when Marybeth began working as an examiner in the Music Section in the 1960s. She very quickly stood out in her work. Soon she began going to law school at night while working in the Office during the day. In short time, she was put in charge of important projects related to registration of claims, and it was clear to all that she was a young star. Promotions to leadership positions were a natural path for her. The highest honor was her appointment as Register of Copyrights. I was so pleased for her because she had worked her way up the ranks through hard work and intelligence. She knew the law, she knew how the Office worked, and she knew the people. She was one of us.

Marybeth, congratulations on a career well done. It gives me great pleasure to have known you during our time together in the Copyright Office, and I am proud to have worked under your leadership.

Melissa Dadant

PERFORMING ARTS DIVISION CHIEF AND
36-YEAR VETERAN OF THE COPYRIGHT OFFICE

It has been an honor and a pleasure to work with Marybeth through the years. Her grasp and clear communication of copyright issues have always given direction to my work. I have been greatly impressed by her ability to connect to everyone on her large staff, to inspire a generation of copyright employees to do a better job—and be happier doing it. It's her gift to be able to charm an audience of any size and composition.

I personally have appreciated her fair- and open-mindedness, her willingness to listen to any and all concerns. I appreciate her excellent sense of humor, including a shared delight in the ridiculous. They'll find another Register of Copyrights, but it won't be the same as having Marybeth. She's irreplaceable!





Opposite page, top and bottom: Marybeth Peters poses with two of many awards she has received during her tenure as Register of Copyrights. This page, top: Robert Holleyman II, president of the Business Software Alliance (BSA), presents BSA's Cyber Champion Award to Marybeth Peters in 2005. Middle: Marybeth Peters presents a copy of the copyright law to Rep. Lamar Smith, chair of the House Subcommittee on Courts, the Internet, and Intellectual Property in 2003. Bottom: Lincoln Bandlew, president of the Los Angeles Copyright Society, presents a Lifetime Achievement Award to Marybeth Peters in 2006.

CHARLES GIBBONS



CHARLES GIBBONS

Julia Huff

RETIRED CHIEF OPERATING OFFICER

My memories of Marybeth's career are very close to my heart. She was a wonderful mentor to me over my 32 years in the Copyright Office and, as such, she inspired me to pursue my career goals. I admire her as a true friend and as a former coworker and supervisor. She is an outstanding teacher to this day and seems never to tire of discussing intellectual property and its effect on the copyright community. She is a very caring person and has always acted fairly with staff and managers. I look forward to her retirement in hopes that she will visit Bill and me in the Southwest. We will enjoy telling her about, and showing her around, our lovely New Mexico.



VINCENT FOX

Penny Keziah

RETIRED POLICY PLANNING ADVISOR

I was involved in the hiring process when Marybeth came to the Office. She was a delight to be around—full of good humor, gaiety, and life. Of course I am very pleased at the outcome of her employment in the Copyright Office. I was not a mentor to her, but we were good friends.

Marilyn Kretsinger

RETIRED ASSOCIATE GENERAL COUNSEL

As the newest member of the general counsel's staff in 1980, I was given an office between Marybeth and David Leibowitz. For several months until we moved from Crystal City, I had a window with a view but no connection to anyone else. Both Marybeth and David were busy outside of their respective offices, and Marybeth seemed as elusive and mysterious as the Scarlet Pimpernel. Later, I came to understand the depths of her copyright knowledge and her willingness to share information.

One year, Andrea Zizzi and I shared a painfully long ride to the Copyright Society's annual meeting with Marybeth, listening to her self-help tapes en route. But no full picture of the many facets of Marybeth emerged until she stepped into fourth place in the Washington, D.C., bridge group from Sherman, Texas. Y'all, she fit right in!

Marybeth Peters serves on a hearing panel with (from left) Copyright Office staffers Peter Young, Chris Meyer, Ralph Oman, and Anthony (Pat) Harrison in the late 1980s.



FILE PHOTO

Mary Lyle

RETIRED POLICY PLANNING ADVISOR

I have known Marybeth longer than nearly anyone. I remember when she started as a music examiner in the Examining Division. She looked so young that she could have been a college freshman. Since I retired and Marybeth became Register, I have primarily kept up with her through the "Register's Corner" in Copyright Notices. I know her years as Register have been a challenge. What she has accomplished is really awesome. It will be difficult if not impossible to replace her. I wish her the very best retirement.

FILE PHOTO



Jule Sigall

FORMER ASSOCIATE REGISTER FOR
POLICY AND INTERNATIONAL AFFAIRS

In my first year on the job, I was lucky to attend the World Intellectual Property Organization's General Assembly meeting in Geneva with Marybeth in September. I will never forget walking the halls of WIPO with Marybeth. She was repeatedly stopped by officials from around the world. They always greeted her with a big smile and embrace. Over and over again, people wanted to reconnect with her and share some moment with her. It was clear from that experience that Marybeth's influence is profound and far-reaching.

CECELIA ROGERS



JUDITH NIEMAN

Top: Marybeth Peters (far left) serves on a panel circa 1984 that includes (left to right) Copyright Office staffers David Ladd, Michael Keplinger, and Dorothy Schrader. Left: Marybeth Peters testifies before the House Judiciary Committee on February 25, 2009, on the cable and satellite statutory licenses. Sitting directly behind Peters are (from left) Copyright Office lawyers Ben Golant, Tanya Sandros, and David Carson. Right: Marybeth Peters testifies before the House Subcommittee on Courts, the Internet, and Intellectual Property on June 21, 2005, on music licensing reform.

◀ *Continues from page 6* ▶

to do, but the conclusion has to come from the individual. I was a mentor in the Aspiring Leaders Program. Each generation owes something to the next," she said. "My big thing is being open to what may come your way. You may take a different path from what you planned."

Retirement

The Register's goals in retirement are taking shape. She plans to get a dog, a Bedlington terrier, and to volunteer at her local animal shelter. "I want to play some role in the field of copyright," she added. "Perhaps I will teach part time. I would like to work for causes that I care about,

including passage of orphan works legislation, collective licensing, and revision of section 108. And I plan to take training to qualify to be a mediator in intellectual property disputes."

As she looks forward to retirement, Peters reflected that she will miss the people and the work. "I'm happy about the direction of the Copyright Office, and I am grateful that the Library and the Copyright Office provided me a path to do things I love and to meet the most incredible people." ©

Copyright Office retirees pose for a photo with Register of Copyrights Marybeth Peters (wearing a Santa hat) in 2002.



CHARLES GIBBONS

Judy Nierman

SENIOR WRITER-EDITOR IN THE PUBLICATIONS SECTION
OF THE INFORMATION AND RECORDS DIVISION

In early 1999, I was interviewing Marybeth in her office on a weighty copyright matter. When we finished, she asked how I was after my mother's recent death. She shared her experiences with her mother. We sat there on a sunny spring day in the Office of the Register of Copyrights, two grown women crying for their mothers.

Luisa Llacuna

RETIRED DOCUMENTS SPECIALIST

Marybeth would always stop and talk to me in the halls. I am grateful to her because I received the American Intellection Property Law Association award after only five years of service. I was one of the first Asians and the first in the Documents Section to receive this honor.